

APPEAL NO. 041940  
FILED SEPTEMBER 8, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 20, 2004. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to and include an injury to the claimant's neck. The claimant appeals, contending that his compensable injury includes a neck injury. Respondent 1 (carrier) asserts that the evidence supports the hearing officer's decision. Respondent 2 (subclaimant) did not file an appeal or a response.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable bilateral carpal tunnel syndrome injury with a date of injury of \_\_\_\_\_. The disputed issue at the CCH was whether the compensable injury extends to include an injury to the claimant's neck. The claimant had the burden of proof on the disputed issue. Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO F. MALO  
12222 MERIT DRIVE, SUITE 700  
DALLAS, TEXAS 75251.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Margaret L. Turner  
Appeals Judge

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Edward Vilano  
Appeals Judge